

ESTTA Tracking number: **ESTTA716982**Filing date: **12/28/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Vision Import Group LLC		
Entity	limited liability company	Citizenship	New Jersey
Address	21 Main Street West Wing O, Suite 159 Hackensack, NJ 07601 UNITED STATES		

Attorney information	Jeffrey A Nelson Miller Nash Graham & Dunn LLP 2801 Alaskan Way - Pier 70 Seattle, WA 98121 UNITED STATES jeff.nelson@millernash.com, ip@grahamdunn.com Phone:2067777534
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Registration Subject to Cancellation

Registration No	4593917	Registration date	08/26/2014
Registrant	Vital Juice Co, Inc. Suite 400 Seattle, WA 98109 UNITED STATES		

Goods/Services Subject to Cancellation


Class 029. First Use: 2013/05/00 First Use In Commerce: 2014/04/00 All goods and services in the class are cancelled, namely: Vegetable and fruit based food beverages
Class 032. First Use: 2013/05/00 First Use In Commerce: 2014/04/00 All goods and services in the class are cancelled, namely: Fruit and vegetable juices


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86598094	Application Date	04/15/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MR. SQUEEZE		

Design Mark	
Description of Mark	The mark consists of the words "MR. SQUEEZE" appearing underneath the image of a human holding a fruit in his right hand and holding a fruit underneath his left arm, all superimposed over a series of single radiating lines.
Goods/Services	Class 031. First use: First Use: 2009/02/01 First Use In Commerce: 2009/02/01 Fresh fruit

U.S. Application No.	86598086	Application Date	04/15/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MR. SQUEEZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 2009/02/01 First Use In Commerce: 2009/02/01 Fresh fruit		

Attachments	86598094#TMSN.png(bytes) 86598086#TMSN.png(bytes) Vision Import Group LLC Petition for Cancellation MR SQUEEZE.pdf(1159227 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Jeffrey A Nelson/
Name	Jeffrey A Nelson
Date	12/28/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Vision Import Group LLC,)	
)	
Petitioner,)	In the matter of Reg. No. 4593917
)	
v.)	Registered on August 26, 2014
)	
Vital Juice Co, Inc.,)	Cancellation No. _____
)	
Respondent.)	
)	
_____)	

PETITION FOR CANCELLATION

Vision Import Group LLC, a limited liability company organized under the laws of the state of New Jersey, having a principal place of business at 21 Main Street, West Wing O, Suite 159, Hackensack, New Jersey 07601, believes that it has been and will continue to be damaged by the registration of the mark shown in US Trademark Registration No. 4593917, registered on August 26, 2014 (the “**Vital Juice Registration**”). Accordingly, Petitioner hereby petitions to cancel the above-identified registration on the following grounds:

1. On information and belief, Respondent filed an application on May 17, 2013, to register the mark MR. SQUEEZE based on an intent-to-use the mark in association with “vegetable and fruit based food beverages” in Class 29 and “fruit and vegetable juices” in Class 32 (collectively, the “**Vital Juice Goods**”).

2. Respondent submitted a Statement of Use alleging use of the MR. SQUEEZE mark in association with the Vital Juice Goods since at least as early as April 2014. Respondent’s MR. SQUEEZE mark was registered on August 26, 2014.

3. According to the records on file at the USPTO, Respondent, a corporation organized under the laws of the State of Washington, with an address of Suite 400, 516 Yale Avenue North, Seattle, Washington 98109, is the current owner of the Vital Juice Registration.

4. Respondent registered the mark for use in association with the Vital Juice Goods. Respondent asserted in the Vital Juice Registration that it has used the MR SQUEEZE mark in association with the Vital Juice Goods since at least April 2014.

5. Petitioner is and has for many years been a prominent provider of fresh, high quality produce from a partnership of international growers. In connection therewith, Petitioner uses the trademark MR. SQUEEZE and the design mark shown at right (collectively, “**Petitioner’s MR. SQUEEZE Marks**”) in commerce in association with fresh fruit.



6. Petitioner’s fresh fruit associated with Petitioner’s MR. SQUEEZE Marks has been extensively and continuously offered to the public since at least as early as February 2009. Petitioner has also widely advertised its goods under Petitioner’s MR. SQUEEZE Marks throughout the United States.

7. Through Petitioner’s advertising and offering of goods associated with Petitioner’s MR. SQUEEZE Marks, the public has come to recognize the marks as signifying Petitioner and its fresh fruit. Petitioner has built up extensive and valuable goodwill in connection with the sale of its goods under Petitioner’s MR. SQUEEZE Marks.

8. Petitioner filed US Trademark Applications Serial Nos. 86/598086 for the mark MR. SQUEEZE in standard characters and 86/598094 for the design mark shown above on April 15, 2015 (collectively, the “**VIG Applications**”).

9. The Vital Juice Registration was cited by the USPTO as a bar to registration of each of the VIG Applications on July 29, 2015.

10. Based on its use of Petitioner's MR. SQUEEZE Marks since 2009, Petitioner enjoys common law rights in Petitioner's MR. SQUEEZE Marks in the U.S. since prior to any date on which Respondent can rely for priority purposes.

11. Respondent's mark, as reflected in the Vital Juice Registration, is MR. SQUEEZE in standard characters.

12. Petitioner has been using Petitioner's MR. SQUEEZE Marks in standard typeface and the design mark shown in Application Serial No. 86/598094, since 2009. The marks are identical or at least very similar.

13. The Vital Juice Goods are "vegetable and fruit based food beverages" and "fruit and vegetable juices." The Vital Juice Goods are not limited in the Vital Juice Registration to any particular trade channels, class of customers, or in any other way.

14. Petitioner's fresh fruit used with Petitioner's MR. SQUEEZE Marks are closely related to the Vital Juice Goods.

15. Respondent's MR. SQUEEZE mark is confusingly similar to Petitioner's MR. SQUEEZE Marks, and its continued registration and use by Respondent in association with closely related goods is likely to cause confusion, deception, and mistake as to the origin of Respondent's goods and to confuse, mislead and deceive members of the public into believing that such goods originate from, or are sponsored, approved or licensed by Petitioner, or are in some way connected to Petitioner.


16. Respondent's registration grants Respondent the prima facie exclusive right to use the MR. SQUEEZE mark. Such registration has and continues to be a source of damage and injury to Petitioner.

WHEREFORE, Petitioner believes that it has been and will continue to be damaged by the registration of the mark in Registration No. 4593917 and requests that the registration be canceled.

Respectfully submitted,

VISION IMPORT GROUP LLC


By: Miller Nash Graham & Dunn LLP



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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Petition for Cancellation has been served upon Registrant Vital Juice, Inc., 516 Yale Avenue North, Suite 400, Seattle, Washington 98109, on this 28th day of December, 2015, by Federal Express.



Jeffrey A. Nelson